

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held November 17, 2015 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

PRESENT:

William D. Reilich	Supervisor
David M. Barry, Jr.	Councilman
Brett Granville	Councilman
Andrew J. Conlon	Councilman
Diana Christodaro	Councilwoman

Cheryl M. Rozzi, Town Clerk
Brian Marianetti, Town Attorney

EXCUSED: None

Following the roll call of officers, the meeting was opened with the Pledge of Allegiance, led by Boy Scout Troop 195. The invocation was offered by Pastor Michael Metzger of First Bible Baptist.

#308 – (TAKEN OUT OF ORDER) Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board grant authorization to appoint Jeffrey Dill to the position of Detective in the Police Department effective November 21, 2015.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

Supervisor Reilich requested that Police Chief Patrick Phelan administer the Oath of Office.

Note: The Oath of Office was administered to Police Detective Jeffrey Dill.

PUBLIC FORUM:

An Open Forum was conducted to allow speakers the opportunity to address the Town Board. One speaker addressed the Town Board and the Open Forum concluded at 6:14 p.m.

#309 - Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Barry:

WHEREAS, New York Icons, Inc. has made application for a special use permit operate a group instruction facility, to be known as New York Icons, on property located at 3160 West Ridge Road, in Lowe's Plaza.

WHEREAS a special use permit to operate a group instruction facility can only be granted upon special application to and with the consent of the Town Board, pursuant to the requirements of Section 211 of the Code of the Town of Greece;

NOW THEREFORE, BE IT

ORDERED that a public hearing be held by the Town Board of the Town of Greece at the Town Hall, One Vince Tofany Boulevard, Rochester, New York, in and for said Town, on the 15th day of December 2015 at 6:15 p.m., to consider the application submitted by New York Icons, Inc. on property located at 3160 West Ridge Road, in Lowe's Plaza.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#310 – Councilman Barry offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant authorization to enter into various agreements (list attached) for programs associated with the operation of the Greece Community and Senior Center;

BE IT FURTHER

RESOLVED that the Supervisor to authorized to execute said agreements.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro

Nays 0

#311 – Councilman Granville offered the following resolution and moved its adoption; seconded by Councilwoman Christodaro:

RESOLVED that this Town Board grant authorization to make various Budget transfers and adjustments. (The complete list is attached.)

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#312 – Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Conlon:

BOND RESOLUTION DATED NOVEMBER 17, 2015.

A RESOLUTION AUTHORIZING THE PURCHASE OF STREET LIGHT POLES AND FIXTURES, IN AND FOR THE TOWN OF GREECE, MONROE COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$4,900,000 AND AUTHORIZING, **SUBJECT TO PERMISSIVE REFERENDUM**, THE ISSUANCE OF \$4,200,000 BONDS AND THE EXPENDITURE OF \$700,000 AVAILABLE FUNDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Greece, Monroe County, New York, as follows:

Section 1. The purchase of street light poles and fixtures, in and for the Town of Greece, Monroe County, New York, including costs incidental thereto, is hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, at a maximum estimated cost of \$4,900,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is as follows:

- a) by the issuance of \$4,200,000 bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; and
- b) by the expenditure of \$700,000 available monies hereby appropriated therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years, pursuant to subdivision 35 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Greece, Monroe County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief

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fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the *Greece Post*, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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Supervisor Reilich	VOTING Aye
Councilman Barry	VOTING Aye
Councilman Granville	VOTING Aye
Councilman Conlon	VOTING Aye
Councilwoman Christodaro	VOTING Aye

The resolution was thereupon declared duly adopted.

* * * * *

#313 – Councilman Barry offered the following resolution and moved its adoption; seconded by Councilman Granville:

RESOLVED that this Town Board grant authorization accept a check in lieu of a letter of credit in the amount of \$19,560 to guarantee the public improvements associated with the West Herr Ford Automotive facility.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#314 – Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant authorization accept a check in lieu of a letter of credit in the amount of the amount of \$90,192 to guarantee the public improvements associated with the Ralph Honda development at 3939 West Ridge Road.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#315 – Councilman Barry offered the following resolution and moved its adoption; seconded by Councilman Granville:

RESOLVED that this Town Board grant authorization accept a check in lieu of a letter of credit in the amount of the amount of \$17,704.80 to guarantee the public improvements associated with Stonewood Manor North Subdivision.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#316 – Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilwoman Christodaro:

RESOLVED that this Town Board grant authorization to reject all bids received for the site work and installation of utilities for the new lodge located at Braddock’s Park.

FURTHER BE IT

RESOLVED that, pursuant to the requirements of section 103 of the General Municipal Law, sealed bids will be received at the Town Clerk’s Office, Town of Greece, One Vince Tofany Boulevard, Greece, New York 14612, until 3:00 p.m., Tuesday, December 8 2015, at which time they will be publicly opened and read aloud for the following:

Site Work and Installation of Utilities for the New Lodge at Braddocks Bay Park.

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All bids must be endorsed, with the title of purchase to which they relate, the name and address of the bidder, and shall be in conformity with the bidding sheets and specifications, which will be furnished by the Town Clerk and are now available, and be it further

RESOLVED, that the Town Board reserves the right to reject any and all bids received.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#317 – Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that this Town Board grant authorization for the Supervisor to enter into an agreement with Pipeline Analytics, 200 Cedar Ridge Drive, Suite 207, Pittsburgh, PA 15205, for an annual one-year service support agreement, in the sum of \$1500.00, for the WinCam software and

BE IT FURTHER

RESOLVED that the Supervisor is authorized to execute all related documents.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#318– Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant authorization for RG&E to install 100 WHPS Colonial Light Fixtures on fiberglass poles owned by the Town, at the following locations, to be paid from the Consolidate Street Lighting Account:

1) Two (2) in Crescent Park Subdivision, Section 10A, and an annual cost of \$443.64.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#319– Councilman Barry offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant authorization for the professional service of policy manual development and training from Lexipol in the amount of \$16,303.00. Purchase to be funded from asset forfeiture account.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#320– Councilman Conlon offered the following resolution and moved its adoption; seconded by Councilman Christodaro:

RESOLVED that this Town Board grant authorization to appoint Martin J. Philbin III, Eric M. MacLean and Jeffrey P. Fraser to the full time position of Police Officer effective November 30, 2015.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#321– Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Granville:

RESOLVED that this Town Board grant authorization to appoint Donald Schmidt to the full time position of Motor Equipment Operator effective November 21, 2015.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

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#322– Councilman Barry offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant authorization to declare items (see list attached) as scrap from the Town of Greece Police Department.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#323– Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Conlon:

WHEREAS, this Town Board has met at the time and place specified in the notice of public hearing on the preliminary budget, and had the opportunity to review the Preliminary Budget for the fiscal year beginning on the first day of January 2016;

NOW THEREFORE BE IT

RESOLVED that this Town Board does hereby adopt such budget as originally proposed and filed, as the annual budget of this Town for the fiscal year beginning on the 1st day of January, 2016, and that such budget as so adopted be entered in detail in the minutes of the proceedings of this Board, and

BE IT FURTHER

RESOLVED that the Town Clerk of this Town shall prepare and certify, as provided by law, duplicate copies of said annual budget as adopted by this Town Board, together with the assessment rolls for the benefit of improvements, adopted pursuant to Section 202-a of the Town Law, and file one copy in her office and deliver one copy thereof to the Supervisor of the Town, to be presented to the County Legislature of the County of Monroe.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#324– Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Conlon:

WHEREAS, this Town Board has met at the time and place specified in the notice of public hearing on the Annual Estimates and Assessment Rolls for the Special Districts of the Town of Greece for the fiscal year beginning January, 1, 2016, and

WHEREAS, this Town Board has had the opportunity to consider the Annual Estimates and Assessment Rolls for the special districts of the Town of Greece, for the fiscal year 2016; and

NOW, THEREFORE, BE IT

RESOLVED that said estimates and assessment rolls be, and they are, hereby approved, affirmed and adopted by the Town Board as originally proposed and filed, and

BE IT FURTHER

RESOLVED, that the Town Clerk of this Town shall prepare and certify, as provided by law, duplicate copies of said annual budget as adopted by this Town Board, and file one copy in her office and deliver one copy thereof to the Supervisor of the Town, to be presented to the County Legislature of the County of Monroe.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#325 A– Councilman Barry offered the following resolution and moved its adoption; seconded by Councilwoman Christodaro:

WHEREAS, Victoria Visiko, LLC (the "Applicant/Project Sponsor") has submitted a request to the Town Board (the "Town Board") of the Town of Greece (the "Town"), Monroe County, New York, for

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a waiver of the requirements for a new special use permit to operate a group instruction facility, to be known as Dance Dreamz Studio, on property located at 496 Long Pond Road, in Cedarfield Commons Plaza, in a BR (Restricted Business) Zoning District; and

WHEREAS, having considered carefully all relevant documentary, testimonial, and other evidence submitted, the Town Board makes the following findings:

1. In summary, the Applicant/Project Sponsor's proposal (the "Proposal") is to operate a group instruction facility within existing tenant space that previously was used for the same purpose, located in a multiple-tenant commercial mall (the "Premises"). The Proposal includes instruction in dance, voice, acting, theater arts, and fitness (for example, yoga and stretching), instructional day camps in summer, occasional recitals by students, and occasional birthday parties. Background music and live entertainment (as these terms are defined in the Town's zoning ordinance) will not be provided on a recurring basis. Background music, live entertainment, and the Applicant/Project Sponsor's sponsorship of, affiliation with, permission for, or participation in one-time or recurring special or promotional events on the Premises will be subject to the requirements and restrictions of the Code of the Town of Greece, New York, Chapter 175 (Special Events). The proposed hours of availability to members/clients are: Sundays through Saturdays, 9:00 a.m. to 9:00 p.m. Vehicular access for the Premises is via an unsignalized driveway at Long Pond Road (Monroe County Route 136, a four-lane urban minor arterial).
2. Upon review of the Proposal, the Town Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the "SEQRA Regulations") (collectively, "SEQRA"), and that the Proposal constitutes a Type II action under SEQRA. (SEQRA Regulations, § 617.5(c)(1), (2) & (26).)
3. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQRA does not require further action relative to the Proposal.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
 Nays 0

#325 B— Councilman Barry offered the following resolution and moved its adoption; seconded by Councilwoman Christodaro:

WHEREAS, Victoria Visiko, LLC (the "Applicant") has submitted a request to the Town Board (the "Town Board") of the Town of Greece (the "Town"), Monroe County, New York, for a waiver of the requirements for a new special use permit to operate a group instruction facility, to be known as Dance Dreamz Studio, on property located at 496 Long Pond Road, in Cedarfield Commons Plaza, in a BR (Restricted Business) Zoning District; and

WHEREAS, having considered carefully all relevant documentary, testimonial, and other evidence submitted, the Town Board makes the following findings:

1. In summary, the Applicant's proposal (the "Proposal") is to operate a group instruction facility within existing tenant space that previously was used for the same purpose, located in a multiple-tenant commercial mall (the "Premises"). The Proposal includes instruction in dance, voice, acting, theater arts, and fitness (for example, yoga and stretching), instructional day camps in summer, occasional recitals by students, and occasional birthday parties. Background music and live entertainment (as these terms are defined in the Town's zoning ordinance) will not be provided on a recurring basis. Background music, live entertainment, and the Applicant's sponsorship of, affiliation with, permission for, or participation in one-time or recurring special or promotional events on the Premises will be subject to the requirements and restrictions of the Code of the Town of Greece, New York, Chapter 175 (Special Events). The proposed hours of availability to members/clients are: Mondays through Saturdays, 9:00 a.m. to 9:00 p.m. Vehicular access for the Premises is via an unsignalized driveway at Long Pond Road (Monroe County Route 136, a four-lane urban minor arterial).

2. The Proposal is in substantial conformity with the previous operator's description of the nature, duration, and intensity of the operation.
3. Based on the Town Board's review of relevant documentary, testimonial, and other evidence, the location, nature, duration, and intensity of the previous group instruction facility operation: (a) did not adversely affect the orderly pattern of development in the area; (b) was in harmony with nearby uses; (c) did not alter the essential character of the nearby neighborhood, nor were they detrimental to the residents thereof; (d) did not create a hazard to health, safety, or the general welfare; (e) was not detrimental to the flow of traffic; and (f) did not place an excessive burden on public improvements, facilities, services, or utilities.
4. The size and shape of the Premises are adequate for the Proposal.
5. Public utility service and vehicular access for the Premises are adequate for the Proposal.
6. Having considered the Proposal and all additional information that may be relevant to the Proposal, it is in the public interest to grant the requested waiver of the requirements to obtain a new special use permit.

NOW THEREFORE, be it

RESOLVED that, based on the aforementioned information, testimony, documentation, and findings, pursuant to the authority conferred by New York State Town Law, Article 16, and pursuant to the Code of the Town of Greece, New York, Chapter 211 (Zoning) (the "Zoning Ordinance"), the request submitted by Victoria Visiko, LLC (the "Applicant") for a waiver of the requirements for a new special use permit to operate a group instruction facility, to be known as Dance Dreamz Studio, on property located at 496 Long Pond Road, in Cedarfield Commons Plaza, in a BR (Restricted Business) Zoning District, hereby be and the same is approved and granted, subject to the following conditions:

1. The Applicant shall operate this group instruction facility in conformity with all details of the Proposal, as described in the written descriptions and various plans of the Proposal, and as set forth herein. In the event of any conflict among the written descriptions of the Proposal, the various plans of the Proposal, or the requirements or restrictions of this resolution, the Town Board, in its sole discretion and judgment and without hearing, shall determine the resolution of such conflict.
2. The maximum occupancies in this group instruction facility shall be the limits established by the Town's Fire Marshal pursuant to the New York State Uniform Fire Prevention and Building Code.
3. The Applicant shall comply with all applicable federal, state, county, and Town laws, ordinances, codes, rules, and regulations, including but not limited to the New York State Uniform Fire Prevention and Building Code and all applicable requirements for the installation/maintenance of a grease trap. Failure to comply with such requirements may be grounds for revocation of this special use permit.
4. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
5. Wherever this resolution refers to a specific public official or agency, it shall be construed to include agents, designees, and successors.
6. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any superseding or succeeding authority.
7. Upon the sale or other transfer of controlling interest in this group instruction facility to any person or entity other than Victoria Visiko, LLC, its wholly owned subsidiaries, or its franchisees, a new application for a special use permit must be submitted to the Town Board.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
 Nays 0

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#326 A– Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Conlon:

WHEREAS, GC Fridays NY, LLC (the “Applicant/Project Sponsor”) has submitted a request to the Town Board (the “Town Board”) of the Town of Greece (the “Town”), Monroe County, New York, for a waiver of the requirements for a new special use permit to operate an existing restaurant, known as TGI Friday’s, on property located at 432 Greece Ridge Center Drive, in the Mall at Greece Ridge Center, in a BG (General Business) Zoning District; and

WHEREAS, having considered carefully all relevant documentary, testimonial, and other evidence submitted, the Town Board makes the following findings:

4. In summary, the Applicant/Project Sponsor’s proposal (the “Proposal”) is to operate an existing restaurant within tenant space that currently is used for that restaurant, located in a multiple-tenant commercial mall (the “Premises”). There are no changes proposed to the existing nature, duration or intensity of the operation of the restaurant. The Proposal includes preparation, service, and sale of a variety of hot and cold foods (such as appetizers, soups, salads, hot and cold sandwiches, dinners, desserts, etc.), for consumption on the Premises and for takeout, and alcoholic and non-alcoholic beverages for consumption at the restaurant. Although the Proposal includes a bar and the preparation, service, and sale of alcoholic beverages, these are incidental, secondary, and subordinate elements of the Proposal. Weather permitting, outdoor seating for service and consumption of food and beverages will be provided on a limited basis in an area that is adjacent to the restaurant. The Proposal does not include outdoor cooking, delivery service, or a drive-up service window. The Proposal does not include background music or live entertainment (as these terms are defined in the Town’s zoning ordinance) on a recurring basis. Sponsorship of, affiliation with, permission for, or participation in one-time or recurring special or promotional events on the Premises by the Applicant/Project Sponsor will be subject to the requirements and restrictions of the Code of the Town of Greece, New York, Chapter 175 (Special Events). The proposed hours of availability to the public are: Mondays through Saturdays, 11:00 a.m. to 12:00 midnight; and Sundays, 11:00 a.m. to 11:00 p.m. Vehicular access for the Premises is via signalized and non-signalized driveways at West Ridge Road (New York State Route 104, a seven-lane urban principal arterial street), Long Pond Road (Monroe County Route 136, a four-lane urban minor arterial), and Somerworth Drive (a two-lane Town subdivision street).
5. Upon review of the Proposal, the Town Board determined that the Proposal is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the “SEQRA Regulations”) (collectively, “SEQRA”), and that the Proposal constitutes a Type II action under SEQRA. (SEQRA Regulations, § 617.5(c)(26).)
6. According to SEQRA, Type II actions have been determined not to have a significant adverse impact on the environment and are not subject to further review under SEQRA.

NOW, THEREFORE, be it

RESOLVED that, based on the aforementioned information, documentation, testimony, and findings, SEQRA does not require further action relative to the Proposal.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
 Nays 0

#326 B– Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Conlon:

WHEREAS, GC Fridays NY, LLC (the “Applicant”) has submitted a request to the Town Board (the “Town Board”) of the Town of Greece (the “Town”), Monroe County, New York, for a waiver of the requirements for a new special use permit to operate an existing restaurant, known as TGI Friday’s, on property located at 432 Greece Ridge Center Drive, in the Mall at Greece Ridge Center, in a BG (General Business) Zoning District; and

WHEREAS, having considered carefully all relevant documentary, testimonial, and other evidence submitted, the Town Board makes the following findings:

7. In summary, the Applicant's proposal (the "Proposal") is to operate an existing restaurant within tenant space that currently is used for that restaurant, located in a multiple-tenant commercial mall (the "Premises"). There are no changes proposed to the existing nature, duration or intensity of the operation of the restaurant. The Proposal includes preparation, service, and sale of a variety of hot and cold foods (such as appetizers, soups, salads, hot and cold sandwiches, dinners, desserts, etc.), for consumption on the Premises and for takeout, and alcoholic and non-alcoholic beverages for consumption at the restaurant. Although the Proposal includes a bar and the preparation, service, and sale of alcoholic beverages, these are incidental, secondary, and subordinate elements of the Proposal. Weather permitting, outdoor seating for service and consumption of food and beverages will be provided on a limited basis in an area that is adjacent to the restaurant. The Proposal does not include outdoor cooking, delivery service, or a drive-up service window. The Proposal does not include background music or live entertainment (as these terms are defined in the Town's zoning ordinance) on a recurring basis. Sponsorship of, affiliation with, permission for, or participation in one-time or recurring special or promotional events on the Premises by the Applicant will be subject to the requirements and restrictions of the Code of the Town of Greece, New York, Chapter 175 (Special Events). The proposed hours of availability to the public are: Mondays through Saturdays, 11:00 a.m. to 12:00 midnight; and Sundays, 11:00 a.m. to 11:00 p.m. Vehicular access for the Premises is via signalized and non-signalized driveways at West Ridge Road (New York State Route 104, a seven-lane urban principal arterial street), Long Pond Road (Monroe County Route 136, a four-lane urban minor arterial), and Somerworth Drive (a two-lane Town subdivision street).
8. The Proposal is in substantial conformity with the previous operator's description of the nature, duration, and intensity of the operation.
9. Based on the Town Board's review of relevant documentary, testimonial, and other evidence, the location, nature, duration, and intensity of the previous restaurant operation: (a) did not adversely affect the orderly pattern of development in the area; (b) was in harmony with nearby uses; (c) did not alter the essential character of the nearby neighborhood, nor were they detrimental to the residents thereof; (d) did not create a hazard to health, safety, or the general welfare; (e) was not detrimental to the flow of traffic; and (f) did not place an excessive burden on public improvements, facilities, services, or utilities.
10. Access to the Premises and the size and shape of the Premises are adequate for the Proposal.
11. Having considered the Proposal and all additional information that may be relevant to the Proposal, it is in the public interest to grant the requested waiver of the requirements to obtain a new special use permit.

NOW THEREFORE, be it

RESOLVED that the Town Board does not object to the Applicant's application to the New York State Liquor Authority for an on-premises liquor license at the Premises and the Town Board hereby waives the 30-day notification and comment period for such application, and

BE IT FURTHER

RESOLVED that, based on the aforementioned information, testimony, documentation, and findings, pursuant to the authority conferred by New York State Town Law, Article 16, and pursuant to the Code of the Town of Greece, New York, Chapter 211 (Zoning) (the "Zoning Ordinance"), the request submitted by GC Fridays NY, LLC (the "Applicant") for a waiver of the requirements for a new special use permit to operate an existing restaurant, known as TGI Friday's, on property located at 432 Greece Ridge Center Drive, in the Mall at Greece Ridge Center, in a BG (General Business) Zoning District, hereby be and the same is approved and granted, subject to the following conditions:

8. The Applicant shall operate this restaurant in conformity with all details of the Proposal, as described in the written descriptions and site development plans of the Proposal, and as set forth herein. In the event of any conflict among the oral or written descriptions of the Proposal, the site development plans of the Proposal, or the requirements or restrictions of this resolution, the Town Board, in its sole discretion and judgment and without hearing, shall determine the resolution of such conflict.
9. The maximum occupancies in this restaurant shall be the limits established by the Town's Fire Marshal pursuant to the New York State Uniform Fire Prevention and Building Code.

10. The Applicant shall comply with all applicable federal, state, county, and Town laws, ordinances, codes, rules, and regulations, including but not limited to the New York State Uniform Fire Prevention and Building Code and all applicable requirements for the installation/maintenance of a grease trap. Failure to comply with such requirements may be grounds for revocation of this special use permit.
11. Wherever this resolution refers to a specific applicant, developer, or operator, it shall be construed to include successors and assigns.
12. Wherever this resolution refers to a specific public official or agency, it shall be construed to include agents, designees, and successors.
13. Wherever this resolution refers to a specific law, ordinance, code, rule, or regulation, it shall be construed to include any superseding authority.
14. Upon the sale or other transfer of controlling interest in this restaurant to any person or entity other than GC Fridays NY, LLC, its wholly owned subsidiaries, its franchisors, or its franchisees, a new application for a special use permit must be submitted to the Town Board.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
 Nays 0

#327 A– Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Conlon:

WHEREAS, Custom Courier Solutions, Inc. has made application for a special use permit operate a freight and trucking terminal, on property located at 1600 Lexington Avenue, in Eastman Business Park.

WHEREAS a special use permit to operate a trucking and freight terminal can only be granted upon special application to and with the consent of the Town Board, pursuant to the requirements of Section 211 of the Code of the Town of Greece;

NOW THEREFORE, BE IT

ORDERED that a public hearing be held by the Town Board of the Town of Greece at the Town Hall, One Vince Tofany Boulevard, Rochester, New York, in and for said Town, on the 15th day of December 2015 at 6:16 p.m., to consider the application submitted by Custom Courier Solutions, Inc. on property located at 1600 Lexington Avenue in Eastman Business Park.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
 Nays 0

#327 B– Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Conlon:

WHEREAS, Custom Courier Solutions, Inc. (the “Applicant”) has submitted a request to the Town Board (the “Town Board”) of the Town of Greece (the “Town”), Monroe County, New York, for a special use permit to operate a freight and trucking terminal (the “Proposal”), on property generally located at 1600 Lexington Avenue (the “Premises”), in Eastman Business Park (“EBP”), in an IG (General Industrial) Zoning District; and

WHEREAS, the Town Board has established a public hearing (the “Public Hearing”) to consider the Proposal, to be held on Tuesday, December 15, 2015 at 6:16 p.m. in the Greece Town Hall, 1 Vince Tofany Boulevard; and

WHEREAS, pursuant to the Code of the Town of Greece, New York, Chapter 211 (Zoning) (the “Zoning Ordinance”), at the request of an applicant or on its own initiative, the Town Board may waive or modify the notification requirements for a special use permit if, in the Town Board’s opinion, it is warranted by the circumstances (Zoning Ordinance, Section 61(B)(1)(e)); and

WHEREAS, in general, the principally Proposal involves the transshipment of packages (at times with temporary storage between the receipt of packages and their reshipment) via trucks of various sizes, in an existing industrial park; and

Minutes of the Regular Meeting of the Town Board, Town of Greece, Monroe County held November 17, 2015 at the Town Hall, One Vince Tofany Boulevard, Rochester, New York at 6:00 p.m.

WHEREAS, existing or former uses in EBP involve, or formerly involved, many trucks entering and exiting the Premises via Lexington Avenue on a daily basis; and

WHEREAS, the Applicant has been operating on the Premises for at least two years, with no significant adverse effects on the surrounding properties.

NOW THEREFORE, be it

RESOLVED that the Town Board, on its own initiative, hereby waives the notification requirements of the Zoning Ordinance for the Proposal.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#328– Councilwoman Christodaro offered the following resolution and moved its adoption; seconded by Councilman Barry:

RESOLVED that, pursuant to the requirements of section 103 of the General Municipal Law, sealed bids will be received at the Town Clerk's Office, Town of Greece, One Vince Tofany Boulevard, Greece, New York 14612, until 3:00 p.m., Thursday, December 10, 2015, at which time they will be publicly opened and read aloud for the following:

Street Lighting Maintenance – Electrical

All bids must be endorsed, with the title of purchase to which they relate, the name and address of the bidder, and shall be in conformity with the bidding sheets and specifications, which will be furnished by the Town Clerk and are now available, and be it further

RESOLVED, that the Town Board reserves the right to reject any and all bids received.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#329– Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant authorization to appoint Eric Ryan, Michael DeLano and Paul Palermo to the position of Motor Equipment Operator Trainee effective December 7, 2015.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

#330– Councilman Granville offered the following resolution and moved its adoption; seconded by Councilman Conlon:

RESOLVED that this Town Board grant authorization to appoint Justin Caccamise to the position of Laborer effective December 7, 2015.

ADOPTED: Ayes 5 Reilich, Barry, Granville, Conlon, Christodaro
Nays 0

Meeting adjourned at 6:25 p.m.

December 25, 2015 Cheryl M. Rozzi – Town Clerk

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Town of Greece
2015 Budget Modifications
Town Board Agenda 11/17/2015

	Action	Account	Description	Amount
1)	Increase Revenues	L.3840.0000.000	NYS Aid, Library	\$ 1,292.00
	Increase Appropriations	L.7410.0000.445	Library, Program Expenses	\$ 786.00
	Increase Appropriations	L.7410.0000.209	Library, Book Assets	\$ 506.00
	<i>Receipt of NYS Adult and Family Literacy Grant, and to expend these funds appropriately.</i>			
2)	Transfer from	DA.5130.0000.429	Machinery, Fuel	\$ (25,000.00)
	Transfer to	DA.5142.0000.429	Snow and Ice, Fuel	\$ 25,000.00
	<i>Allocate fuel appropriations to snow and ice for December.</i>			
3)	Increase Revenues	A.2665.0000.000	Sale of Equipment	\$ 9,679.50
	Increase Appropriations	A.3120.0000.203	Police, Vehicles	\$ 9,679.50
	<i>Allocate auction proceeds from sale of police equipment into Police budget for new/replacement equipment.</i>			
4)	Increase Revenues	A.3389.0000.000	NYS Aid, Public Safety	\$ 10,000.00
	Increase Appropriations	A.3120.0003.445	Police Technology Grant, Program Exp	\$ 10,000.00
	<i>Appropriate funds for law enforcement equipment under a NYS grant.</i>			
5)	Increase Revenues	A.3389.0000.000	NYS Aid, Public Safety	\$ 10,000.00
	Increase Appropriations	A.3640.0001.445	Special Police Vest Grant, Program Exp	\$ 10,000.00
	<i>Appropriate funds for protective vests for Special Police under a NYS grant.</i>			
6)	Transfer from	A.1620.0000.292	Buildings, Building Improvements	\$ (10,000.00)
	Transfer to	A.1620.0000.449	Buildings, Building Systems Maintenance	\$ 10,000.00
	<i>Allocate funds for emergency generator repairs to Town Hall and Community & Senior Center.</i>			

November CSC Items:

- Peter Scahill, 2470 East Ave, Apt. 203, Rochester, NY 14610; Contract to provide entertainment for the Adult Halloween Party on October 30, 2015 in the amount of \$150.00.
 - Maureen Whalen, 500 Latta Rd, Greece, NY 14612; Contract to provide a presentation for the Time Out for Women program on December 2, 2015 in the amount of \$75.00.
 - Rick Ventura, 948 Edgemere Drive, Rochester, NY; Contract to provide dj services for the Family Christmas Party on December 3, 2015 in the amount of \$120.00.
 - George Eastman House, 900 East Ave, Rochester, NY 14607; Day trip on December 9 in the amount of \$12 per person for a maximum of 14 people.
 - Bonnie Bullivant, 242 Burritt Rd, Hilton, NY 14468; Contract to provide a presentation for the Time Out for Women program on December 9, 2015 in the amount of \$225.00.
 - Rochester Museum and Science Center, 657 East Avenue, Rochester, NY 14607; Day trip on December 10 in the amount of \$6 per person for a maximum of \$120.00.
 - Missy Reed, 35 Haskins Lane, Rochester, NY 14468; Contract to provide a Holiday Music Night for families on December 15 in the amount of \$7.50 per family with a maximum of approximately 20 families.
 - Johnny Matt, 792 High Tower Way, Webster, NY 14580; Contract for \$350.00.00 to provide entertainment for "Senior Adult Christmas Party" on Wednesday, December 16, 2015 from 12:30 – 2:30 p.m. at the Greece CSC.
 - Ernie Capone, 26 Bitterroot Trail, Hilton, NY 14468; Contract to provide entertainment for a Friends and Fun Christmas Party at the Community Center on Thursday December 17, in the amount of \$100.00.
 - Mark Hergender, 67 B Northgate Manor, Rochester, NY 14612; Contract to provide entertainment for the Friends and Fun Christmas Party on December 17, 2015 in the amount of \$50.00.
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Greece Police Items to be scraped:

- (1) 19" GE television
 - (1) TV stand
 - (5) Office Chairs
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